IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 11424 of 2004

Date of Decision: October 17, 2006

Ram Lal

…..Petitioner

Vs.

Haryana State Social Welfare advisory Board

Through its Chairman.

…..Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. R.K. Malik, Advocate
for the petitioner.

Mr. Manjeet Singh, Advocate
for the respondent.

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M.M. KUMAR, J. (ORAL)

The petitioner who has retired from service as Accountant on May 31, 2000 has made various prayers in the instant petition. However, his learned counsel has confined the prayer only to the grant of benefit of annual increment which has been withheld w.e.f. January 1, 1988, as is

evident from the perusal of order dated June 22, 2001 (P-3). According to the aforementioned order, the increment which was due after January 1, 1988 has been withheld on account of pendency of departmental enquiry against the petitioner. It is admitted position that the Departmental enquiry had culminated in passing of order of recovery of Rs. 18873/-, which stand already recovered from the petitioner. However, the pay of the petitioner has not been revised and on that basis his revised retrial benefits have not been paid. The submission made by the learned counsel for the petitioner is that the benefit of increments be released to the petitioner by refixation of his pay and accordingly his retrial benefits be also revised and arrears of pay and retrial benefits be released.

However, learned counsel for the respondent has vehemently opposed the prayer made by the petitioner by arguing that the claim made by the petitioner is highly belated and does not deserve to be granted by issuance of a writ of mandamus.

After hearing the learned counsel for the parties, we are of the view that the prayer made by the learned counsel for the petitioner is meritorious and deserves to be accepted. It is not disputed that the annual increment after January 1, 1988 was withheld on account of pendency of enquiry which has culminated into recovery of Rs.18873/-. The petitioner has already superannuated on May 31, 2000, therefore, we direct the respondents to revise the pay of the petitioner by giving him the benefit of annual grade increment after January 1, 1988 and pay him all the arrears of pay and accordingly, revised his C.P.F., Gratuity and leave encashment.

The amount be calculated within a period of three months from the date of certified copy of this order is supplied to the respondents. It is further directed that the respondent may consider the question of granting bonus to the petitioner, if already granted to the other similarly situated employees. The respondent shall also decide the bills submitted by the petitioner in respect of his T.D./D.A.

Writ petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

October 17, 2006
sanjay

(M.M.S.BEDI)
JUDGE